App. F. IX-4

Previous References.

1944. (Legis)

File No. 30-43

Serial Nos. 1

Later References.

54

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for January 1944

SUBJECT

re Mysore Cotton Market Expansion (
Act, 1944 (I of 1944

To

The Compiler, Mysore Gazette

N-o R.L. 508- Legis 30-43-1 dated 24-1-1944

Directs the publication of the Act as
Act N-o I of 1944

Coffee Market Expansion Act — Amendment

5 III 5

Continuation Sheet. File No. Current No. of 42 Page.

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE.

Bangalore, the 23rd March 1943.

No.D — 594-40/G & A. Lid 1225

A copy of the undermentioned paper is forwarded to the Secretary to the Government of His Highness the Maharaja of Mysore, Development Department, Bangalore.

By order etc.,

for SECRETARY TO THE RESIDENT.

The Coffee Market Expansion (Amendment) Bill (with Statement of objects and reasons) as introduced in the Indian Legislative Assembly on the 20th February 1943.

1) Submitted for perusal. Os no action necessary on our part. 16/4/43 22/4/43 4.4.43

Sd/ 24/5

OFFICE OF THE MINISTER FOR INDUSTRIES AND COMMERCE MAY 1 1943 No. 151

Sd/ 21/4 Dev Secy

4) For perusal 22/4/43

5) 24/5 25/5 25/5

Memo No. D.F. 594-40/88 A dated 7-5-43 from the Secy to the Resident forwarding a copy of a telegram from the Govt of India Commerce Dept stating that the Coffee Market.

Expansion Amendment Bill as introduced in the Legislative Assembly passed by Legislature and received assent of G.G. on 26-3-43 from which date it has come into force as Law. and requesting that the Mysore Govt may undertake similar amending legislation.

6) Subd for perusal.

7) The Mysore Coffee Market Expansion Act 1941 has not been amended so far although the Govt of India have amended their Act of 1941 (as amended by the Second Amending Ordinance of 19 by their Act No VII of 1942 and again by their Act No [illegible] of 1943 the Govt of India have just amended their Act VII of 1942 by Act No VII 1943 and as the Residency have requested that similar amending legislation may be undertaken by this Govt it is perhaps desirable that our Act No XXIV of 1941 should be suitably amended incorporating in it the relevant amendments so far made by the Govt of India, as our Act of 1941 is mainly based on the Govt of India Act.

8) A draft of a Bill to amend our Act is subd for Consideration.

9) Legislation may perhaps be Considered

10) For 8/6/43.

11) Dev Secy) 24/5/43. For favour of Secretary

12) Ca 15/6 For 15/6

15 JUNE 1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL
SECY. LAW DEPT. 14573 15/6/43 GOVT OF MYSORE

MrdN.

15-6-43

Coffee Market Expansion Act 1941 - amendments thereto

Continuation Sheet. File No. 705/12 Current No. of Page.

13) Subd for perusal.

A copy of the First St George Gazette wherein the Coffee Market Expansion (Amendment) Act 1943 has been published is put up herewith

JV 22.6.43 BVN 23/6.

Flag (Y)

14) Please put this up through Assisg Regr de. to-morrow

BVN 23.6.43

Mr J.V.

Subd BVN 24/6.

BVN 24.6.43

15) I believe there was another file in which Certain Changes in the Act were Considered and it was ordered that the amendments Considered therein may be made when the Act requires amendments in Material Particulars. The definition of "owner" was one such amendment then Considered. Please put up that file or get it from the above Branch

W.V.

BVN 25.6.43.

16) The file wherein the amendments referred to above have been considered is not available here. The P.C. Branch will be requested to put up for putting up this file

JV 28/6/43 BVN 28/6

17) Yes. Very Early BVN 29.6.43

+ P.C. Branch

18) The required Collection (vide 359-41-1 is put up

HD 29/6/43

Legis Section

19) The file is submitted

along with the collection received from A.D.C. Thirty

20) Please put up after the Lc Session concludes Mr D.V.

6-43 BDN 30/6 DAV 1-7-43

21) The file is resubmitted herewith

V. 1/7/43

22) A revised draft Bill is put up.

BDN 7/7 All the amendments which have become necessary as a result of the amending Act of British India have been incorporated. Occasion has been taken to make certain other changes in our Act. These relate to the provisions in the Act which were necessary when the Scheme was first put into force but have become superfluous now that the Act has been in operation for sometime. In other respects also one test is now sought to be made to conform to the language of Complementary legislation in British India.

The following amendments are suggested for orders.

Clause 2: Where the duration of our Act has to be the same as in British India. This Clause gives effect to this Principle.

Clause 3. (1) definition of "power" now sought to be included, and definition of "ordinance" deleted as cl(c) provides now for definition of Act. In British India, the law not in force is in the form of an Act.

62735

Continuation Sheet. File No. / Current No. of Page.

Clause 4: In Section 5 (1) a change has been suggested on the lines of the British Indian Section 14. These changes are desirable as the Act has been in force for sometime. The Proviso is now proposed to be changed into a subsection.

Clause 10 (b): Certain words in Section 14 (2) have become unnecessary and are suggested for omission.

Clause 10 (c). This subsection is in the British Indian Act and is suggested for incorporation here.

Clause 11 (b): Section 17 (2) is now unnecessary and is suggested for omission.

Clause 15: Licences for curing establishments are required to be given by the Government under Section 16 of our Act. A provision for an appeal to Government against its own decision is perhaps unnecessary. In British India licences are granted by the Board and hence need for an appeal. This section is therefore suggested for omission.

Clause 18: The present section 29 will have served its purpose except to a limited extent which is still preserved by the proviso to the new section suggested.

24). Apart from these points on which orders are solicited, the other amendments follow the amending Act of British India. Note is also

Submitted to S.C. file 359-41-1 } Seen TA-Le 17.7.43
After the question has been discussed }

25) BXR 17.7.43

Asst Secy Seen for We TA 17/7

6 Coffee Market - Expansion Board - 705/M- 6273 & connected

Continuation Sheet. & File No. / Current No. of- 4 Page.

26) Laid for perusal and orders
Hrs 26/7/43
The modifications suggested in para 23 may be adopted.
26/7
The revised draft is submitted for consideration. This may be perused by the Law Secy. Refer para 11 supra
Dev Secy)
To 26/7/43

27) The revised draft may be approved
Ce 29/7
Min. for Dev
the Law Sec)
To 29/7

28) The draft Bill is for approval
BKR 30.7.43
Law Secy)
Crs 30-7-43

29) BKR 30.7.43
Minister Dev)

30) 16/8
Ce 17/8
To 17/8.

31) May be disposed of by circulation
Ce 23/8
Secy 25/8
The Min. Rev. told me yesterday that as it was imperative that this legislation should be enacted before the next coffee crop comes in, I may obtain the Governor's orders to promulgate an ordinance. The Council Law Member will

SECY. LAW DEPT. 29/7/43 GOVT OF MYSORE

SECY. LAW DEPT. 1044 30/7/43 GOVT OF MYSORE

BKR 29.7.43

OFFICE OF THE MINISTER FOR INDUSTRIES & SUPPLIES JUL 30 1948 No. 505

Consl mailed

As personally instructed by the Dev Secy the draft Bill for issue as an emergency measure is put up
BKR 25/8/43
Law Secy)

The Mysore Coffee Market Expansion (amendment) Bill 6273

Continuation Sheet. File No. Current No. of Page.

attended to this immediately for orders

Dewan)

Ce 25/8

A fresh note may please be put up quickly

27.8.43 1288

Mm 25/8/43

1943

Ce 25/8

Dft. Final Note submitted

Dev Secy) 25/8/43

26/8/43.

OFFICE OF THE MINISTER FOR REVENUE & LAW
26 AUG 1943
No.

Mm. R&L)

Ce 26/8

27.8

27.8.43.

Mm Dfs).

Signed J.N. Placed in file. 27.8.43

2718

Dewan)

27.8.43

Supplies.

Final Note by the Minister for Industries and ~~Commerce~~

Subject.— The Mysore Coffee Market Expansion (Amendment) Bill.

****

R 37 The gracious assent of His Highness was accorded on the 17th December 1941 to promulgate the Mysore Coffee Market Expansion Act, 1940, which has been enacted on the lines of similar legislation in British India. It provides for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore. Under this Act the Indian Coffee Market Expansion Board has to allot to each registered estate a certain percentage of its total estimated crop as its internal sale quota, the balance of the crop being set apart for delivery to the surplus pool controlled by the Board. This arrangement, however, has not been found to give to the growers the full~~est~~ benefit of the ruling prices in the internal market. The Third Coffee Control Conference consisting of representatives of the various sections of the coffee industry and of the Indian Coffee Market Expansion Board after considering the matter recommended that, in the general interests of the producers, the Coffee Market Expansion Board should be empowered, subject to the previous sanction of the Central Government, to stop the grant of internal sale quotas, and take into the surplus pool the entire crops of registered estates, in order that the crops may be uniformly controlled by the Board and the full benefit of prices may go to all registered estates. The Conference also recommended several other amendments to the existing Act in British India, which were found necessary on administrative grounds as a result of experience gained in the working of the Coffee Control Scheme. These recommendations of the Conference have been embodied in the Coffee Market Expansion (Amendment) Act, 1943 recently passed in British India. It is necessary to amend our Act also immediately, in order that the new control measures may be applied to the next coffee crop.

p.t.o.

38 A Draft Bill has been accordingly prepared incorporating the several amendments made in the British Indian Act. As the enactment of this legislation will take time and as the matter is urgent in view of the commencement of the crop season almost immediately, it is proposed to issue it as an Emergency Measure at once and to take action in due course to place it before the Legislature.

39 The Dewan is agreeable to this proposal. I solicit the gracious assent of His Highness thereto.

M.S. Aiyangar

.. Minister,
Industries and Supplies.

Submitted to His Highness.

40 I submit herewith for His Highness's gracious approval a Final Note by the Minister for Industries and Supplies on the proposal to issue an emergency measure amending the Mysore Coffee Market Expansion Act, 1940, on the lines of the Coffee Market Expansion (Amendment) Act, 1943, passed by the Government of India, pending the enactment of legislation in this behalf in due course.

K. V. Anantharamaiah

Minister for Revenue and Law
in charge of current duties of the Dewan

Bangalore,
28th August 1943.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to issue an emergency measure amending the Mysore Coffee Market Expansion Act, 1940, on the lines of the Coffee Market Expansion (Amendment) Act, 1943, passed by the Government of India.

Chief Secy
K.G
2/9/43

No. 174

41

Order.

W.
30/8/'43.

WCT
4/9/43

General and Revenue

Secretariat.

c 224.

6273

SUBJECT:—

Proposal to issue an emergency measure amending the Mysore Coffee Market Expansion Act, 1940, on the lines of the Coffee Market Expansion (Amendment) Act, 1943, passed by the Government of India.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
4/9/43

Through the Secretary to Government,

Development Department.

43

Minister for Revenue and Law.

45 6.9.43

46 6.9.43.

1709/11/9

Minister for Public Works. 12.9.

1698/14/9

48) Minister for Local Self-Govt. and Public Health. 15.9.43

1477/9/9

49) Minister for Industries and ~~XXXXXXX~~ Supplies.

1674/16/9/43

50) Minister for Education. 17/9

Devices 6/9/43

20/9/43

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

51) The gracious assent of His Highness was accorded on the 30th Aug 1943 to promulgate the Bill into law.

52) A draft G.O directing the publication of the Act as Act No II of 1943 ~~is submitted~~ submitted for approval

DN 7/9/43

53) Secy 7.9.43

54) BKR 7.9.43

Law Secy

55) Secy 7.9.43

56) Dr Secy BKR 7.9.43

This must appear in the issue of Gazette 8th Sept 1943 Secy

Secy Dr Secy

Steps:
The draft has been instructed to have it published in tomorrow's issue of the Gazette
DN 8/9/43

To the compiler Mysore Gazette

Rt. 233 dtd 23.43 dated 7th Sept 1943 orders the publication of the Act in the Gazette

57) Kind reference is invited to para 43 of the notes supra. The file is resubmitted for circulation

58) Orders have been obtained in a separate file for placing the Coffee Market Expansion (Amendment) Bill before the entering Session of the R.A. The administrative section is requested to return the file to this office after circulation for taking further action.

DN 8/9/43 BKR 8/9

59) Before sending the file to CB Please take a Copy of the Bill. The Bill with a Copy of St. Principles may be put up separately for orders. There may not be sufficient time to attend to this after the file comes back.

H.D.V.

Secy 8.9.43

Subd.

Copy of the Bill has been taken and submitted separately with a draft of St. of principles for orders;

2) 26/ If approved, this file will be sent to C.B. for further action and early return

2N. 9/9/43 BVN 9/9

C.B.) 9.9.43

3) Bvs 9/9

4) The file may be referred to the Legis. Secy. for further necessary action

Legis. Secy.) 63) 11.9.43

Asp 21/9/43

64) BKR 21.9.43

65) Mr. T. Please put up a typed Statement as to "Personally Restricted" & will be issued. Bvs 22.9.43

66) The principles of the Bill which is introduced at the current Session of the R.A. and approved by that House permission is solicited for publication of the Bill under the orders of the Dewan under Rule 36 of the Mysore Legislative Rules.

7) It is for orders if the St. of principles may be adopted as the St. of objects and Reasons. A draft is put up for approval

2N. 9/10/43 BVN 14/10

WD 01809—GPB—60,000—26-1-43

BKR 14.10.43

68) Law Secy)

SECY. LAW DEPT. 3956 1.10.43 GOVT OF MYSORE

Bill to [illegible] the Mysore Market Expansion Amendment Bill

Continuation Sheet. File No. 705/M. Current No. of Page.

69) May be published

Gus 1/10/43

BKR 21.10.43

2308

70) Pub 22/10/43

Gus 25-10-43

BKR 25-10-43

Mr D.V.

71) Draft of a notification under rule 36 and copy of the Bill with the Statement of objects and Reasons are put up for approval proofs will, if approved, be called for from the press

Gus 29.10.43

Gus 1.11.43

73) Mr D.V. Separate action has been taken for the publication of the Bill under rule 36

DV 18/11/43

To The Compiler Mysore Gazette for Pt. 4 of 03 dated 19-11-43 directs the publication of the Bill under rule 36 of the Mysore Legislative Rules.

72) The following motions are suggested for the Legislative council in the name of the Minister for Industries and Supplies:—

1. to introduce the Coffee Market Expansion (Amendment) Bill

2 Also, to move that the Bill be taken into consideration by the council at once

3 Also, to move that the Bill be passed

74) The only important amendment is that the Board should be empowered to take the entire crop into the surplus pool, if it

DV 18/11/43 GAR 18/11/43

The Mysore Coffee Market Expansion (Amendment) B.

16

Continuation Sheet No. 9 | File No. / Current No. 705/N of [illegible] | Page No. [illegible]

Cradles by necessary. The two amendments are matters of detail. Secondly an Emergency Act has been passed which will have to be replaced and reference to a S.C. will postpone by measure till the next session. Hence the above suggestions have been suggested.

Secy (RA-Le) 18.11.43

BOC

SECY. LAW DEPT. 4556 1 3 GOVT OF INDIA

77) BOR 18.11.43

Law Secy) Fair pl'mal)

OFFICE OF THE MIN... FOR INDUSTRIES & S... NOV 18 1943 No. 2673

76) 18 11 43

Mr. Rau G & S

77) 21/11

Ce 22/11

GOVT OF INDIA 22 NOV 1943

BOR 22.11.43

23.11.43

Subs

78) The Bill was introduced in the legislative council at its recent Session in December 1943 and was passed by it

79) A copy of the Bill as passed by the council and signed by the president under Standing Order 44 is placed in the file. Flag B.

80) A.A.F.N. is put up for approval

81) Papers Opy please

4/1/44

WD 01809—GPB—60,000—26-1-43

4-1-44

The Mysore Coffee Market Expansion (Amendment) Bill

Continuation Sheet. File No. / Current No. 705/N of Page.

82) A typed copy of a draft is submitted

3882

24/ 4-1-44 BVN 4-1-44

Secy. 83) Sd/- 5.1.44

RA. Lc

84) BVR 5-1-44

6370 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR INDUSTRIES & SUPPLIES JAN 5 1944 No. 3683

Law Secy (Mr Iyer) 85) Cy 5/1 BVR 5.1.44

86) MVD 5/1

Secy (Mr Iyer) Cy 6/1. Sd/- R.1.44

Signed Final Note is placed in the file KM 5/1/44.

17

Final Note by the Minister for Industries and Supplies.

Subject.— Promulgation of the Mysore Coffee Market Expansion (Amendment) Bill.

A 87 On the 30th August 1943, His Highness was graciously pleased to approve of the proposal to introduce the Mysore Coffee Market Expansion (Amendment) Bill in the Representative Assembly and the Legislative Council.

88 The Bill with the statement of principles was placed before the Representative Assembly in October 1943 and was approved by that House. The Bill was thereafter introduced in the Legislative Council at its recent session in December 1943 and was passed by it.

B 89 A copy of the Bill as passed by the Council and signed by the President, in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

90 I solicit the gracious sanction of His Highness to promulgat the Bill into law.

M. Visvesvaraya
Minister,
Industries and Supplies.

Bangalore,
5th January 1944.

Submitted to His Highness.

a/ I submit herewith a Final Note by the Minister for Industries and Supplies on the subject of the promulgation of the Mysore Coffee Market Expansion (Amendment) Bill into law for His Highness's gracious sanction.

N. Madhava Rao

Bangalore, DEWAN.

8th January 1944.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

92) Promulgation of the Mysore Coffee Market Expansion (Amendment) Bill into law.

No.507

Order.

93) KW.
10/1/'44

Chief Sec'y
Rem
12/1/44 12/1/44

'eneral and Revenue

Secretariat.

e 551

SUBJECT :—

94 Promulgation of the Mysore Coffee Market Expansion (Amendment) Bill into law.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders

95 Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vedanayakam
Chief Secretary to Government.
12/1/44

Through the Secretary to Government,

Law ~~Law~~ .....Department.

16) 12-1-43

4076 / 15.1.44 — 97 Minister for Revenue and Law. 15.1

4455 / 17/1 — 98 Minister for Public Works. 18.1

4660 / 18.1.44 — 99 Minister for Local Self-Govt. and Public Health. 19.1.44

3816 / 12-1-44 — 100 Minister for Industries and Supplies. 13/1

101 Minister for Education. 20/1/44

4509 / 19.1.44

Law Secy) 20/1/44

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

102—Gen 20-1-44

Pol. 23

THE OFFICE OF THE HON'B
RESIDENT IN MYSORE,
Bangalore, 7th May 1943

No. D.F. 594-43/Gen.

6273

A copy of the undermentioned paper is forwarded to the Secretary to the Government of His Highness the Maharaja of Mysore, Development Department, in continuation of endorsement from this residency No. D.F. 594-40/Gen., dated the 23rd March 1943, with the request that the Government of Mysore may kindly undertake similar amending legislation.

for SECRETARY TO THE RESIDENT.

Telegram from the Government of India, Commerce Department, to the Secretary to the Indian Coffee Board, Bangalore, No. 30(2)-Tr(A)/43, dated the 1st April 1943.

No. 3846(4)-Tr(R)/43

6273

Government of India.
Department of Commerce.

New Delhi, the 1st April

From

The Secretary to the Government of India, Department of Commerce

To

The Secretary to the Indian Coffee Board, Bangalore

TELEGRAM

Coffee Market Expansion Amendment Bill as introduced in Legislative Assembly passed by legislature and received assent of Governor General on 26th March 1943 from which date it has come into force as law. Bill being published as Act VII of 1943 in Gazette of India dated April 3rd.

Subject refer personal file.
Consent Likely which was subject to
to the matter has not been received
Please await receipt
of the will orders
for
25/3/43

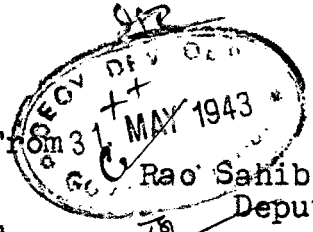
Tele-{grams : ~~xxxxxxxxx~~ "COFCONTROL"
ie : 2266

No. 8969

INDIAN COFFEE ~~MARKET EXPANSION~~ BOARD

OFFICE OF THE DEPUTY CONTROLLER OF COFFEE,
BANGALORE.

Dated 29th May 1943.



From Rao Sahib M. R. Bangara, B.A.,
Deputy Controller of Coffee.

To
The Secretary to the Government of Mysore,
Development Department, BANGALORE.

Sir;

Coffee Control - Section 14(2) of The Mysore Coffee Market Expansion Act.

I have the honour to invite reference to the recent amendments to several Sections of The Coffee Market Expansion Act in British India and in particular to Section 25 of the said Act. The amendment to this Section makes it obligatory for a registered owner to deliver his Surplus Pool Quota Coffee at such times as the Board may direct.

I have the honour to request to be informed whether similar amendments have been adopted in the case of the corresponding Sections of the Mysore Coffee Market Expansion Act. This may kindly be treated as urgent.

I have the honour to be,
Sir,
Your most obedient servant.

R Bangara

DEPUTY CONTROLLER OF COFFEE.

MGV
SS.

[To be introduced in the Legislative Assembly.]

A

BILL

to amend the Coffee Market Expansion Act, 1942.

WHEREAS it is expedient to amend the Coffee Market Expansion Act, 1942, for the purposes hereinafter appearing; VII of 1942.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Coffee Market Expansion (Amendment) Act, 1943.

Amendment of section 3, Act VII of 1942.

2. In section 3 of the Coffee Market Expansion Act, 1942 (VII of 1942) hereinafter referred to as the said Act),—

(*a*) in clause (*a*), for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted;

(*b*) to clause (*i*) the following words shall be added, namely:—

", a mortgagee in possession or a lessee"

Amendment of section 4, Act VII of 1942.

3. In section 4 of the said Act,—

(*a*) in sub-section (*1*), for the words "Indian Coffee Market Expansion Board", where they occur for the second time, the words "Indian Coffee Board" shall be substituted;

(*b*) sub-section (*2*) shall be re-numbered as sub-section (*4*) and the following sub-sections shall be inserted as sub-sections (*2*) and (*3*), namely:—

"(*2*) The Board shall consist of—

(*a*) five persons representing the agricultural departments of the Provincial Governments of Madras and Coorg and of the Governments of the States of Mysore, Travancore and Cochin, nominated, in the case of the States' Representatives, by the Government of the State concerned, and in the other cases, by the Central Government;

(*b*) eleven persons representing the coffee growing industry, namely:—

(*i*) three persons nominated by the Government of the Mysore State;

(*ii*) two persons nominated by the Central Government to represent Madras and Coorg, respectively;

(*iii*) three persons nominated by the United Planters' Association of Southern India;

(*iv*) one person nominated by the Coorg Planters' Association;

(*v*) one person nominated by the Mysore Planters' Association;

(*vi*) one person nominated by the Indian Planters' Association, Mysore;

(*c*) four persons representing the coffee trade interests, nominated by the Central Government;

(*d*) one person representing the Imperial Council of Agricultural Research, nominated by the Central Government;

(*e*) two persons nominated by the Central Government to represent—

(*i*) the coffee growing industry in the Mysore State, and

(*ii*) the Shevaroy Planters' Association, Yercaud.

(3) Where a member of the Board dies, resigns or is removed, or ceases to reside in India, or becomes incapable of acting, the Central Government may, on the recommendation of the authority or body which was entitled to make the first nomination under sub-section (*2*), or where such recommendation is not made within a reasonable time, then on its own initiative, nominate a person to fill the vacancy."

Amendment of section 5, Act VII of 1942.

4. In section 5 of the said Act, for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted.

Substitution of new section for section 16, Act VII of 1942.

5. For section 16 of the said Act the following section shall be substituted, namely:—

Fixation of prices for sale of coffee.

"16. (*1*) The Central Government may, after consultation with the Board, by notification in the official Gazette, fix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(*2*) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

Amendment of section 17, Act VII of 1942.

6. To the portion of section 17 of the said Act which precedes the proviso the following words shall be added, namely:—

"nor shall a registered owner sell or contract to sell in the Indian market any coffee produced on his estate in any year for which no internal sale quota is allotted to the estate

Amendment of section 19, Act VII of 1942.

7. To section 19 of the said Act the following words shall be added, namely:—

"and no owner of a registered estate shall sell from or store on his estate or cause or permit to be

sold from or stored on his estate any coffee grown on any estate not registered under this Act."

Amendment of section 22, Act VII of 1942.

8. In sub-section (*1*) of section 22 of the said Act, before the words "The Board shall" the words "Unless with the previous sanction of the Central Government the Board decides that no internal sale quotas shall be allotted" shall be inserted.

Amendment of section 23, Act VII of 1942.

9. In sub-section (*2*) of section 23 of the said Act, after the words "the Board may" the following shall be inserted, namely:—

"without prejudice to any penalty to which the said owner is liable under section 37A".

Amendment of section 25, Act VII of 1942.

10. In section 25 of the said Act,—

(*a*) in sub-section (*1*), after the words "allotted to that estate" the following words shall be inserted, namely:—

"or when no internal sale quotas have been allotted to estates, all coffee produced by the estate";

(*b*) in sub-section (*2*), after the words "in such places" the words "at such times" shall be inserted;

(*c*) in sub-section (*4*), before the word "prepare" the words "from time to time" shall be inserted;

(*d*) in sub-section (*5*), the words "before an internal sale quota has been allotted to an estate" shall be omitted.

Amendment of section 29, Act VII of 1942.

11. In sub-section (*1*) of section 29 of the said Act, after the words "having regard to the internal sale quota of the estate" the words "where one has been allotted" shall be inserted, and to the end of the sub-section the following sentence shall be added, namely:—

"Where no internal sale quotas have been allotted to estates, the curing establishment shall report merely the whole amount of coffee sent in each such consignment."

Amendment of section 34, Act VII of 1942.

12. To sub-section (*2*) of section 34 the following proviso shall be added, namely:—

"Provided that in calculating the sum of all payments made under sub-section (*1*) and the value of the coffee delivered to the surplus pool out of the year's crop, respectively, any payment accepted by a registered owner as final payment in immediate settlement for coffee delivered by him for inclusion in the surplus pool and the value of any such coffee shall be excluded."

Insertion of new section 37A in Act VII of 1942.

13. After section 37 of the said Act the following section shall be inserted, namely:—

"37A. Any registered owner who fails to furnish the return required by sub-section (*1*) of section 23 as required by that sub-section shall be punishable

Contravention of section 23(*1*)

with fine which may extend to one thousand rupees."

Insertion of new sections 38A and 38B in Act VII of 1942. Contravention of section 25.

14. After section 38 of the said Act the following sections shall be inserted, namely:—

"38A. Any registered owner or licensed curer who fails to deliver any coffee to the Board as required by or under sub-sections (*1*) and (*2*) of section 25 shall be punishable with fine which may extend to one thousand rupees, and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed.

Powers to seize coffee withheld from inclusion in surplus pool..

38B. If the Board is satisfied that any coffee which is required under the provisions of section 25 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee, and may authorise an officer of the Board to effect seizure thereof for relivery for inclusion in the surplus pool, and such authorisation shall be sufficient warrant for such officer to take all steps necessary to secure possession of the coffee."

Amendment of section 40, Act VII of 1942.

15. To sub-section (*2*) of section 40 of the said Act the following proviso shall be added, namely:—

"Provided that the Central Government may, by notification in the official Gazette, direct that the previous sanction of the Central Government shall not be necessary for complaints in such cases or classes of cases as may be specified in the notification."

Amendment of section 44, Act VII of 1942.

16. In section 44 of the said Act, after the words "curing establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted, and the words "by the estate" shall be omitted.

Amendment of section 46, Act VII of 1942.

17. In section 46 of the said Act, the words "to whom an internal sale quota is allotted" shall be omitted.

Insertion of new section 47A in Act VII of 1942.

18. After section 47 of the said Act the following section shall be inserted, namely:—

Bar of legal proceedings.

"47A. No suit, prosecution or other legal proceeding shall lie against the Board or any officer of the Board for or in respect of anything in good faith done or intended to be done under this Act."

STATEMENT OF OBJECTS AND REASONS.

Under the existing provisions of the Coffee Market Expansion Act, 1942, the Indian Coffee Market Expansion Board has to allot to each registered estate a certain percentage of its total estimated crop as its internal sale quota, the balance of the crop being set apart for delivery to the surplus pool controlled by the Board. This arrangement has not been found to bestow on the growers the fullest benefit of the ruling prices in the internal market. The Third Coffee Control Conference consisting of representatives of the various sections of the coffee industry and of the Indian Coffee Market Expansion Board recommended that, in the general interests of the producers, the Board should be empowered, subject to the previous sanction of the Central Government not to allot internal sale quotas in any year, *i.e.*, to take into the surplus pool the entire crop of registered estates, in order that the crop may be uniformly controlled by the Board throughout the year and the full benefit of prices reaches all registered estates. The Conference also recommended several other amendments to the Coffee Market Expansion Act which have been found necessary on administrative grounds, as a result of further experience gained of the working of the Coffee Control Scheme.

The recommendations of the Conference have been found to be in the interest of the coffee industry as a whole and the Bill is designed to give effect to them.

T. S. PILLAY.

NEW DELHI;

The 20th February, 1943.

NOTES ON CLAUSES.

Clauses 2(a), 3(a) and 4.—The designation of the Board is simplified and brought into conformity with that of similar Boards in other parts of the Empire.

Clause 2(b).—A number of estates are managed by mortgagees or lessees, some of whom attempt to evade the obligations imposed on owners by the Act.

Clause 3(b).—By this amendment the constitution of the Board is now set out in the Act itself, instead of being described in two other enactments, the Coffee Market Expansion Ordinance, 1940, and the Indian Coffee Cess Act, 1935.

Clause 5.—The price control exercised over owners and curers is extended to dealers, and power is given to fix both wholesale and retail prices.

Clause 6.—The amendment is consequential on that made by clause 8.

Clause 7.—The amendment is designed to prevent the owner of a registered estate from passing off coffee from an unregistered estate as his own, without preventing transactions between two registered owners concerning coffee covered by an internal sale quota if one is allotted.

Clause 8.—This is the main amendment for the purpose of implementing the decision that the Board should have power to take over the whole coffee crop of registered estates, instead of merely the excess over the quantity represented by the internal sale quota which the Board must at present allot to each estate.

Clause 9 and clause 13.—The new section 37A is necessary properly to enforce the provisions of section 23. The amendment made in section 23(2) is consequential on the insertion of the new section 37A.

Clause 10.—Sub-clause (*a*). The amendment is consequential on that made by clause 8.

Sub-clause (*b*). The amendment will enable the Board to fix a time limit for delivery of coffee to the surplus pool.

Sub-clause (*c*). The amendment enables the differential scale to be revised periodically in the light of past experience.

Sub-clause (*d*). The amendment is consequential on that made by clause 8.

Clause 11.—The amendments are consequential on that made by clause 8.

Clause 12.—The object of the amendment is to enable the Board to pay the whole purchase price outright to small growers on delivery of their coffee to the surplus pool, with the object of enabling them to meet their expenses.

Clause 14.—The first new section is necessary to enforce compliance with section 25; the second furnishes another safeguard against unauthorised sales of coffee which should be delivered to the Board.

Clause 15.—The amendment aims at avoiding undue delay in launching prosecutions.

Clause 16.—The change made has been recommended in order to detect and render more difficult the fraudulent sale of coffee without licence.

Clause 17.—The amendment is consequential on that made by clause 8.

Clause 18.—The new section gives protection on the usual lines for act done in good faith.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY DEPARTMENT.

A

BILL

to amend the Coffee Market Expansion Act, 1942 ; and Annexure.

(*Mr. T. S. Pillay, M. L. A.*)

GIPD—L313LAD—24-2-43—850.

Subd
Connected file is put up herewith.

No 1237

August 19, 3

From

M. J. Simon, Esq.,
Secretary, Indian Coffee Board.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
BANGALORE.

Subject:- Coffee Control - Section 14(2) of the Mysore Coffee Market Expansion Act.

Sir,

I am directed to invite reference to Rao Sahib M. R. Bangara's letter No.8969 dated the 29th May 1943, on the above subject, and to urge that the Government of His Highness the Maharaja of Mysore may kindly be moved to amend the Mysore Coffee Market Expansion Act, 1941, on the lines of the recent amendments to the (British Indian) Coffee Market Expansion Act referred to by Rao Sahib M. R. Bangara.

2. As the new coffee year has already commenced and my Board proposes to take full advantage

of the recent amendments to the British Indian Act during the year, considerable inconvenience will be caused to the industry, if the Mysore Coffee Market Expansion Act were not forthwith brought into line with the British Indian Act.

3. The favour of a very early reply as to the action already taken or proposed to be taken by the Government is requested.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. M.J.Simon

Secretary,
Indian Coffee Board.

PAH

NO. 1238, Bangalore, dated August 19, 1943.

Copy, with compliments, forwarded to Rajamantrapravina K.V. Anantaraman, Chairman, Indian Coffee Board, Bangalore, for information

Secretary,
Indian Coffee Board.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 233. Legis 43-43-1 Dated, Bangalore, 7th Sept 1943

Ordered that the accompanying Mysore Coffee Market (Extension (Amendment) (Emergency) Act 1943

which received the assent of His Highness the Maharaja, on the 30th day of August 1943, be published as Act No. LI of 1943, in the *Mysore Gazette*, for general information.

BXR 7.9.43 Bdg

~~General~~ Secretary to Government.
Law Department

To

1. The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, dated 9th Sept 1943 in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstancesexist which render it necessary to take immediate action to amend the Mysore Coffee Market Expansion Act, 1941, for the purposes hereinafter appearing;

NOW THEREFORE in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940;

It is hereby enacted as follows,--

1. This Act may be called the Mysore Coffee Market Expanasion (Amendment) Act, 1943.

2. To section 1 of the Mysore Coffee Market Expansion Act, 1941 (hereinafter referred to as the said Act) the following sub-section shall be added, namely:--

"(3) It shall cease to be in force at the end of the twelve months commencing on the first day of July subsequent to the termination of the present war."

3. In section 2 of the said Act,--

(a) in clause(a) for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted;

(b) for clause (i), the following clause shall be substituted, namely:--

"(i) 'owner' includes any agent of an owner, a mortgagee in possession or a lessee";

(c) after clause (m) the following clause shall be added, namely:--

"(mm) 'The Act' means the Coffee Market Expansion Act, 1942 (VII of 1942) of the Government of India."

4. In section 5 of the said Act.--

(a) in sub-section (1) for the words "before the expiration of one month from the commencement of this Act or" the words "unless it is already registered as required by this sub-section" shall be substituted and the second proviso shall be deleted;

(b) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:--

"(2) The Government may by notification in the Official Gazette declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants aggregating less than ten acres."

5. For section 7 of the said Act, the following section shall be substituted, namely:--

"7. (1) The Government may after consultation with the Board, by notification in the Official Gazette affix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(2) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

6. In section 8 of the said Act,--

(a) after the words "No registered owner shall" the words "before the estate became subject to the provisions of sub-section (1) of section 5" shall be inserted; and

(b) to the portion of the section which precedes the proviso, the following words shall be added, namely:--

"Nor shall a registered owner sell or contract to sell in the Indian market any coffee produced on his estate in any year for which no internal sale quota is allotted to the estate."

7. To section 10 of the said Act the following words shall be added, namely:--

"and no owner of a registered estate shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee grown on any estate not registered under this Act."

8. In sub-section (1) of section 11 of the said Act, before the words "the Government shall" the words "Unless the Government decides that no internal sale quotas shall be allotted" shall be inserted.

9. In sub-section (2) of section 12 of the said Act, after the words "The Government may" the words "without prejudice to any penalty to which the said owner is liable under section 21(a)" shall be inserted.

10. In section 14 of the said Act,--

(a) in sub-section (1) after the words "allotted to that estate" the words "or when no internal sale quotas have been allotted to the estates, all coffee produced by the estate" shall be inserted;

(b) in sub-section (2) after the words "in such places" the words "at such times" shall be inserted and the words "unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act" shall be omitted;

(c) in sub-section (4) after the words "The Board shall" the words "from time to time" shall be inserted;

(d) in sub-section (5) the words "before an internal sale quota has been allotted to an estate" shall be omitted;

(e) the following sub-section shall be added at the end , namely:--

"(6) When Coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so delivered or is treated as having been so delivered, shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 18."

11. In section 17 of the said Act,--

(a) in sub-section (1) after the words "having regard to the internal sale quota of the estate" the words "where one has been allotted" shall be inserted and to the end of the sub-section the following sentence shall be added, namely:--

"where no internal sale quotas have been allotted to the estates, the curing establishment shall report merely the whole amount of coffee sent in each such consignment";

(b) sub-section (2) shall be omitted and sub-sections (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4) respectively.

12. After section 21 of the said Act the following section shall be inserted, namely:--

"21(a). Any registered owner who fails to furnish the return required by sub-section (1) of section 12 as required by that sub-section shall be punishable with fine which may extend to Rs 1000/-."

13. After section 22 of the said Act, the following sections shall be inserted, namely:--

"22(a). Any registered owner or licensed curer who fails to deliver any coffee to the Board as required by or under sub-sections (1) and (2) of section 14, shall be punishable with fine which may extend to Rs 1,000/- and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed."

"22(b). If the Board is satisfied that any coffee which is required under the provisions of section 14 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee and may authorise an officer of the Board to effect seizure thereof for delivery for inclusion in the surplus pool and such authorisation shall be sufficient to warrant for such officer to take all steps necessary to secure possession of the coffee."

14. To sub-section (2) of section 24 of the said Act the following proviso shall be added, namely:--

"Provided that the Government may by notification in the Official Gazette direct that the previous sanction of the Government shall not be necessary for complaints in such cases or class of such cases as may be specified in the notification."

15. Section 26 of the said Act shall be omitted.

16. In section 27 of the said Act, after the words "curing establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted and the words "by the estate" shall be omitted.

17. In section 28 of the said Act, the words "to whom an internal sale quota is allotted" shall be omitted.

18. For section 29 of the said Act, the following section shall be substituted, namely:--

"29. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void.

Provided that nothing contained in this section shall apply to contracts to which under section 29 of the Emergency Act that Act did not apply."

19. After section 29 of the said Act, the following section shall be inserted, namely:--

"29-A. No suit, prosectuion or other legal proceeding shall lie against the Board or any officer of the Board or any officer of the Government for or in respect of anything in good faith done or intended to be done under this Act."

20. For the words "the Ordinance" wherever they occur the words "the Act" shall be substituted

PROCEEDINGS OF THE GOVERNMENT OF
THE MAHARAJA OF MYSORE ~~HIS~~ HNESS

Order No. RL233 Legis. 23-43-1

Dated, Bangalore, 7th September 1943.

Ordered that the accompanying Mysore Coffee Market Expansion (Amendment) (Emergency) Act, 1943 which received the assent of His Highness the Maharaja, on the 30th day of August 1943, be published as Act No. LI of 1943, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette dated 9th September 1943 in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section.

ACT No. LI OF 1943.

THE MYSORE COFFEE MARKET EXPANSION (AMENDMENT) (EMERGENCY) ACT.

(Received the assent of His Highness the Maharaja on the 30th day of August 1943)

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Coffee Market Expansion Act, 1941, for the purposes hereinafter appearing;

Now Therefore in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940;

It is hereby enacted as follows;--

1. This Act may be called the Mysore Coffee Market Coffee Market Expansion (Amendment) (Emergency) Act, 1943.

2. To section 1 of the Mysore Coffee Market Expansion Act, 1941 (hereinafter referred to as the said Act) the following sub-section shall be added, namely:

"(3) It shall cease to be in force at the end of the twelve months commencing on the first day of July subsequent to the termination of the present war."

3. In section 2 of the said Act,--

(a) in clause (a) for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted;

(b) for clause (i) the following clause shall be substituted, namely:--

"(i) 'owner' includes any agent of an owner, a mortgagee in possession or a lessee";

(c) after clause (m) the following clause shall be added, namely:--

"(mm) 'The Act' means the Coffee Market Expansion Act, 1942 (VII of 1942) of the Government of India.

4. In section 5 of the said Act.--

(a) in sub-section (1) for the words "before the expiration of one month from the commencement of this Act or" the words "unless it is already registered as required by this sub-section" shall be substituted and the second proviso shall be deleted;

(b) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:--

"(2) The Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants, aggregating less than ten acres."

Substitution of new section for section 7, Act XXIII of 1941

5. For section 7 of the said Act, the following sections shall be substituted, namely:--

Fixation of prices for sale of coffee

"7. (1) The Government may after consultation with the Board, by notification in the Official Gazette, fix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(2) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

Amendment of section 8, Act XXIII of 1941

6. In section 8 of the said Act,--

(a) after the words "No registered owner shall" the words "before the estate became subject to the provisions of sub-section (1) of section 5" shall be inserted; and

(b) to the portion of the section which precedes the proviso, the following words shall be added, namely:--

"Nor shall a registered owner sell or contract to sell in the Indian market any coffee produced on his estate in any year for which no internal sale quota is allotted to the estate."--

Amendment of section 10, Act XXIII of 1941

7. To section 10 of the said Act, the following words shall be added, namely:--

"and no owner of a registered estate shall sell from, and store on, his estate or cause or permit to be sold from, or stored on, his estate any coffee grown on any estate not registered under this Act."

Amendment of section 11, Act XXIII of 1941

8. In sub-section (1) of section 11 of the said Act, before the words "the Government shall" the words "unless the Government decides that no internal sale quotas shall be allotted" shall be inserted.

Amendment of section 12, Act XXIII of 1941

9. In sub-section (2) of section 12 of the Act, after the words "The Government may" the word prejudice to any penalty to which the said owner under section 21(a)" shall be inserted.

Amendment of section 14, Act XXIV of 1941

10. In section 14 of the said Act,--

(a) in sub-section (1) after the words "allotted to that estate" the words "or when no internal sale quotas have been allotted to the estates, all coffee produced by the estate" shall be inserted;

(b) in sub-section (2) after the words "in such places" the words "at such times" shall be inserted and the words "unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act" shall be omitted;

(c) in sub-section (4) after the words "The Board shall" the words "from time to time" shall be inserted;

(d) in sub-section (5) the words "before an internal sale quota has been allotted to an estate" shall be omitted;

(e) the following sub-section shall be added at the end, namely:--

"(6) When Coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so delivered or is treated as having been so delivered, shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 18."

Amendment of section 17, Act XXIV of 1941

11. In section 17 of the said Act,--

(a) in sub-section (1) after the words "having regard to the internal sale quota of the estate" the words "where one has been allotted" shall be inserted and to the end of the sub-section the following sentence shall be added, namely:--

"where no internal sale quotas have been allotted to estates, the curing establishment shall report merely the whole amount of coffee sent in each such consignment";

(b) sub-section (2) shall be omitted and sub-sections (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4) respectively.

Inserting new section 21(a) in Act XXIV of 1941 (Penalty for contravention of section 12(1))

12. After section 21 of the said Act the following section shall be inserted, namely:--

"21(a). Any registered owner who fails to furnish the return required by sub-section (1) of section 12 as required by that sub-section shall be punishable with fine which may extend to [illegible] one thousand rupees."

Inserting new sections 22(a) and 22(b) in Act XXIV of 1941

13. After section 22 of the said Act, the following sections shall be inserted, namely:--

Penalty for contravention of section 14

"22(A). Any registered owner or licensed curer who fails to deliver any coffee to the Board as required by or under sub-sections (1) and (2) of section 14, shall be punishable with fine which may extend to Rs 1,000/- and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed."

Power to seize coffee withheld from inclusion in surplus pool

"22(B). If the Board is satisfied that any coffee which is required under the provisions of section 14 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee and may authorise an officer of the Board to effect seizure thereof for delivery for inclusion in the surplus pool and such authorisation shall be sufficient to warrant for such officer to take all steps necessary to secure possession of the coffee.

Amendment of section 24, Act XXIV of 1941

14. To sub-section (2) of section 24 of the said Act the following proviso shall be added, namely:--

"Provided that the Government may by notification in the Official Gazette direct that the previous sanction of the Government shall not be necessary for complaints in such cases or class of such cases as may be specified in the notification."

Omitting of section 26, Act XXIV of 1941

15. Section 26 of the said Act shall be omitted.

Amendment of section 27, Act XXIV of 1941

16. In section 27 of the said Act, after the words "curing establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted and the words "by the estate" shall be omitted.

Amendment of section 28, Act XXIV of 1941

17. In section 28 of the said Act, the words "to whom an internal sale quota is allotted" shall be omitted.

Substitution of new section for section 29, Act XXIV of 1941

18. For section 29 of the said Act, the following section shall be substituted, namely:--

"29. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void.

Provided that nothing contained in this section shall apply to contracts to which under section 29 of the Emergency Act that Act did not apply.

Insertion of new section 29-A in Act XXIV of 1941 & Bar of legal proceedings

19. After section 29 of the said Act, the following section shall be inserted, namely:--

"29-A. No suit, prosecution or other legal proceeding shall lie against the Board or any officer of the Board or any officer of the Government for or in respect of anything in good faith done or intended to be done under this Act.

20. For the words "the Ordinance" wherever they occur the words "the Act" shall be substituted.

(Sd). K. V. Ananta Raman

[illegible]

Office copy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Order No. Legis. 30-43-1

Dated, Bangalore, 24th January 1944

Ordered that the accompanying Mysore Coffee Market Expansion (Amendment) Act, 1944 which received the assent of His Highness the Maharaja, on the 10th day of January 1944, be published as Act No. I of 1944, in the Mysore Gazette, for general information.

By Secretary to Government,
Law Department.

To

1. The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section

NOTIFICATION.

No. Rl. 403, *dated Bangalore, the* 19*th November* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Coffee Market Expansion (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

Act 1 of 1944.

THE MYSORE COFFEE MARKET EXPANSION (AMENDMENT) ~~BILL~~. Act 1944

An Act

~~A Bill~~ to amend the Mysore Coffee Market Expansion Act, 1941.

(Received the assent of His Highness the Maharaja on the 10th day of January 1944)

WHEREAS it is expedient to amend the Mysore Coffee Market Expansion Act, 1941, for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. This Act may be called the Mysore Coffee Market Expansion (Amendment) Act, 1944. Short title.

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2. To section 1 of the Mysore Coffee Market Expansion Act, 1941 (hereinafter referred to as the said Act) the following sub-section shall be added, namely :— Amendment of section 1, Act XXIV of 1941.

"(3) It shall cease to be in force at the end of the twelve months commencing on the first day of July subsequent to the termination of the present war."

3. In section 2 of the said Act,— Amendment of section 2, Act XXIV of 1941.

(*a*) in clause (*a*) for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted ;

(*b*) for clause (i) the following clause shall be *substituted, namely* :—

"(i) 'owner' includes any agent of an owner, a mortgagee in possession or a lessee ";

(*c*) after clause (*m*) the following clause shall be added, namely:—

(*mm*) 'The Act' means the Coffee Market Expansion Act, 1942 (VII of 1942) of the Government of India.

Amendment of section 5, Act XXIV of 1941.

4. In section 5 of the said Act,—

(*a*) in sub-section (1) for the words "before the expiration of one month from the commencement of this Act or" the words "unless it is already registered as required by this sub-section" shall be substituted and the second proviso shall be deleted;

(*b*) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) and before sub-section (3) as so renumbered, the following sub-section shall be inserted namely:—

"(2) The Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants aggregating less than ten acres."

Substitution of new section for section 7, Act XXIV of 1941.

Fixation of prices for sale of coffee.

5. For section 7 of the said Act, the following section shall be substituted, namely:

"7. (1) The Government may after consultation with the Board, by notification in the Official Gazette, fix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(2) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

Amendment of section 8, Act XXIV of 1941.

6. In section 8 of the said Act,—

(*a*) after the words "No registered owner shall" the words "before the estate became subject to the provisions of sub-section (1) of section 5" shall be inserted; and

(*b*) to the portion of the section which precedes the proviso, the following words shall be added, namely:—

"Nor shall a registered owner sell or contract to sell in the Indian market any coffee produced on his estate in any year for which no internal sale quota is allotted to the estate."

7. To section 10 of the said Act, the following words shall be added, namely :— Amendment of section 10, Act XXIV of 1941.

"and no owner of a registered estate shall sell from, and store on, his estate or cause or permit to be sold from, or stored on, his estate any coffee grown on any estate not registered under this Act."

8. In sub-section (1) of section 11 of the said Act, before the words "the Government shall" the words "unless the Government decides that no internal sale quotas shall be allotted" shall be inserted. Amendment of section 11, Act XXIV of 1941.

9. In sub-section (2) of section 12 of the said Act, after the words "The Government may" the words "without prejudice to any penalty to which the said owner is liable under section 21 (*a*)" shall be inserted. Amendment of section 12, Act XXIV of 1941.

10. In section 14 of the said Act,— Amendment of section 14, Act XXIV of 1941.

(*a*) in sub-section (1) after the words "allotted to the estate" the words "or when no internal sale quotas have been allotted to the estates, all coffee produced by the estate" shall be inserted;

(*b*) in sub-section (2) after the words "in such places" the words "at such times" shall be inserted and the words "unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act" shall be omitted;

(*c*) in sub-section (4) after the words "The Board shall" the words "from time to time" shall be inserted;

(*d*) in sub-section (5) the words "before an internal sale quota has been allotted to an estate" shall be omitted;

(*e*) the following sub-section shall be added at the end, namely:—

"(6) When Coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so delivered or is treated as having been so delivered, shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 18."

11. In section 17 of the said Act,— Amendment of section 17, Act XXIV of 1941.

(*a*) in sub-section (1) after the words "having regard to the internal sale quota of the estate" the words

"where one has been allotted", shall be inserted and to the end of the sub-section the following sentence shall be added, namely:—

"where no internal sale quotas have been allotted to estates, the curing establishment shall report merely the whole amount of coffee sent in each such consignment";

(*b*) sub-section (2) shall be omitted and sub-sections (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4), respectively.

Insertion of new section 21-A in Act XXIV of 1941.

12. After section 21 of the said Act the following section shall be inserted, namely:—

Penalty for contravention of section 12 (1).

"21-A. Any registered owner who fails to furnish the return required by sub-section (1) of section 12 as required by that sub-section shall be punishable with fine which may extend to one thousand rupees."

Insertion of new sections 22-A and 22-B in Act XXIV of 1941.

13. After section 22 of the said Act, the following sections shall be inserted, namely:—

Penalty for contravention of section 14.

"22-A. Any registered owner or licensed curer who fails to deliver any coffee to the Board as required by or under sub-sections (1) and (2) of section 14, shall be punishable with fine which may extend to one thousand rupees and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed."

Power to seize coffee withheld from inclusion in surplus pool.

"22-B. If the Board is satisfied that any coffee which is required under the provisions of section 14 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee and may authorise an officer of the Board to effect seizure thereof for delivery for inclusion in the surplus pool and such authorisation shall be sufficient to warrant for such officer to take all steps necessary to secure possession of the coffee."

Amendment of section 24, Act XXIV of 1941.

14. To sub-section (2) of section 24 of the said Act the following proviso shall be added, namely:—

"Provided that the Government may, by notification in the Official Gazette, direct that the previous sanction of the Government shall not be necessary for complaints in such cases or class of such cases as may be specified in the notification."

15. Section 26 of the said Act shall be omitted. Omission of section 26, Act XXIV of 1941.

16. In section 27 of the said Act, after the words "curing establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted and the words "by the estate" shall be omitted. Amendment of section 27, Act XXIV of 1941.

17. In section 28 of the said Act, the words "to whom an internal sale quota is allotted" shall be omitted. Amendment of section 28, Act XXIV of 1941.

18. For section 29 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 29, Act XXIV of 1941.

"29. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void:

Provided that nothing contained in this section shall apply to contracts to which under section 29 of the Emergency Act that Act did not apply."

19. After section 29 of the said Act, the following section shall be inserted, namely:— Insertion of new section 29-A in Act XXIV of 1941.

"29-A. No suit, prosecution or other legal proceeding shall lie against the Board or any officer of the Board or any officer of the Government for or in respect of anything in good faith done or intended to be done under this Act." Bar of legal proceedings.

20. For the words "the Ordinance" wherever they occur the words "the Act" shall be substituted.

21. The Mysore Coffee Market Expansion (Amendment) (Emergency) Act, 1943 (LI of 1943) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act as if this Act has commenced on the 30th day of August 1943. Repeal and Savings.

(Sd) N. Madhava Rao
Dewan

Statement of Objects and Reasons.

Under the existing provisions of the Mysore Coffee Market Expansion Act, 1941, which has been enacted on the lines of similar legislation in British India, the Indian Coffee Market Expansion Board has to allot to each registered estate a certain percentage of its total estimated

crop as its internal sale quota, the balance of the crop being set apart for delivery to the surplus pool controlled by the Board. This arrangement, however, has not been found to give to the growers the full benefit of the ruling prices in the internal market. The Third Coffee Control Conference consisting of representatives of the various sections of the Coffee Industry and of the Indian Coffee Market Expansion Board after consideration of the matter recommended that, in the general interests of the producers, the Coffee Market Expansion Board should be empowered, subject to the previous sanction of the Central Government, to stop the grant of internal sale quota and take into the surplus pool the entire crops of registered estates, in order that the crops may be uniformly controlled by the Board and the full benefit of prices may go to all registered estates. The Conference also recommended several other amendments to the existing Act in British India, which were found necessary on administrative grounds as a result of experience gained in the working of the Coffee Control Scheme. These recommendations of the Conference have been embodied in the Coffee Market Expansion (Amendment) Act, 1943, recently passed in British India.

It has become necessary to amend the Mysore Act also, by incorporating the several amendments made in British India. This occasion is also proposed to be utilised to delete the several provisions of the Act which, by efflux of time, have become superfluous.

The present Bill is intended to give effect to these changes and to replace the Emergency Act passed earlier for a similar purpose.

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